

FIFTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 11, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Davenport, Senator Burges was excused on account of sickness.

A message was received from the House announcing the passage by that body of House bill No. 519, "An act to provide for the cancellation of sales of lands situated in unorganized counties in cases where sales have been made in error by the Comptroller, and for the relief of the purchasers thereof." Referred to Committee on Finance.

Also, House bill No. 559, "An act to define the time for holding the District Court of Kaufman county." Referred to Committee on Judicial Districts."

Also, House bill No. 266, "An act to authorize the Commissioner of the General Land Office to approve the bounty land warrant for 1920 acres of land, issued on the twenty-fifth day of November, 1846, by Wm. G. Cooke, Adjutant-General, to the heirs of Wm. A. French." Referred to Committee on Public Lands.

Also, House bill No. 91, "An act to authorize the refunding of moneys paid into the General Land Office under the provisions of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve," passed August 26, 1856, and the provisions of a supplemental act, entitled, "an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve, approved November 28, 1857, in all cases wherein the State failed to patent the lands for which such moneys were paid, and to make an appropriation therefor." Referred to Committee on Finance.

Also, House bill No. 211, "An act to detach 5334 acres from Hill county and attach the same to Johnson county, and define the line between said counties." Referred to Committee on Counties and County Boundaries.

Also, House bill No. 267, "An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

Also, House bill No. 576, "An act to provide for the change of time of holding the terms of the District Court of Gonzales county" Referred to Committee on Judicial Districts.

Also, House bill No. 39, "An act to amend article 506 of title 7, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to towns and villages." Referred to Judiciary Committee No. 1.

Also, House joint resolution No. 48, "Granting to the Hon. G. B. Gerald, judge of County Court of McLennan county, sixty days' leave of absence from the State." Referred to Committee on State Affairs.

Also, Senate bill No. 208, "An act to diminish the civil and criminal jurisdiction of the County Courts of Montgomery and Karnes counties, and to conform the jurisdiction of the district courts of said counties to such change."

Also, Senate bill No. 181, "An act to prescribe the times of holding the district courts in the counties of the Thirteenth Judicial District," with amendment.

Also, substitute Senate bill No. 131, "An act granting a land certificate of 1280 acres to each of the surviving sol-

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diers of the Texas revolution, and the surviving signers of the declaration of Texas independence, and the surviving widows of such soldiers and signers, and to repeal an act, approved April 26, 1879, entitled, 'an act granting a land certificate of 640 acres to each of the indigent veterans who were engaged in the struggle of Texas independence, prior to, and at the battle of San Jacinto, enrolled under the act approved July 28 1876,' with amendment.

Senator Homan, chairman of Committee on Rules, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Revision of the Rules have considered Senate resolution providing that the time of the Senate, during the remainder of the session, be devoted exclusively to the consideration of appropriation, deficiency and apportionment bills, amendments to the Constitution, and bills relating to the penitentiary and State university, and being of the opinion that the adoption of said resolution is unnecessary, and that the Senate will be able to dispose of all business which may come before it, the committee instruct me to report, recommending that the resolution do not pass.

HOMAN, Chairman.

Senator Weathered, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 260, entitled "An act prescribing the time of holding the District Courts of the Twenty-third Judicial District," have duly considered the same, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WEATHERED, Chairman.

Bill read first time.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 67, "An act to diminish the civil and criminal jurisdiction of the County Courts of Kerr and Menard counties, and to conform the district courts of said counties to such change;"

Substitute for Senate bill No. 82, "An act to provide for paying fees of sheriffs, constables, justices of the peace and county judges in certain cases;"

Also, Senate bill No. 234, "An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Statutes, said chapter entitled agricultural and mechanical college;"

Also, substitute for Senate bill No. 256, "An act for the relief of W. M. Harrison and L. A. Ellis;" and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Lane, chairman of Senate Committee of Free Conference, to consider with house Committee the differences arising between the two Houses on Senate amendments to House bill No. 35, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your committee on free conference, to whom were referred the matters of difference between the two houses on the subject of House bill No. 35, have had the said matters of difference under consideration, and they report that they have arrived at the following agreement:

1. That the House do recede from its refusal to concur in the first Senate amendment.

2. That the Senate agree that the second Senate amendment shall read as follows:

Amend section 2 of the bill so that said section 2 shall read as follows:

Section 2. Justices of the peace shall report to the county clerk on the first Monday in each month, the names of the persons who have served as jurors in his court for the preceding month, and the number of days and fractions of days that they have served respectively, and the number of cases in which they have served respec-

tively, on each of said days or fractional days. And it shall be the duty of the county clerk to issue his warrant against the county treasurer, in favor of each of the persons so serving as jurors. Every justice failing to make and file such report, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five nor more than two hundred and fifty dollars.

And the said committee respectfully ask the adoption of this report

B. D. TARTLETON, Chairman.

C. R. GIBSON,

F. J. MCCORD,

House Committee.

E. R. LANE, Chairman,

R. M. WYNNE,

JNO. C. BUCHANAN,

Senate Committee.

House bill No. 282, "An act to amend article 1974, and to establish articles 1802a and 1822a of the Revised Civil Statutes of the State of Texas, concerning the estates of deceased persons," was taken up, read third time, and passed.

Senator Shannon offered the following resolution:

Resolved, That the Secretary of the Senate be authorized and required to have 100 copies of the captions of the bills, so as to disclose the subjects legislated upon, passed by the Legislature, printed and distributed for the use of the Senate, and that as soon as the Senate adjourns, he shall, in addition to those now passed, have printed the captions of such others as may become laws, between this and the day of adjournment, and forward them to the Senators.

Adopted.

Substitute for Senate bill No. 27, "concerning factors and commission merchants," was taken up, and, on motion of Senator Martin of Navarro, was laid on the table, subject to the call of Senator Stubbs, who is absent.

Senator Harris introduced a bill entitled "An act prescribing the times of holding the district courts in the Fourteenth Judicial District." Referred to Committee on Judicial Districts.

Senator Gooch introduced a bill entitled "An act to authorize the cancellation and destruction of unsold and useless bonds, now in New York City and the Treasury." Referred to Committee on Finance.

Senator Homan rising to a question of privilege, said:

Mr. President—I hold in my hand what purports to be a copy of the speech delivered by Senator Terrell, in the Senate, on the prohibition question. Passing over the fact that the published report attributes language to me in a colloquy between myself and the Senator from Travis, placing me in a ridiculous light, and language which I did not use, I call attention to the following paragraph:

"Now there is a religious school of Protestant ministers who claim that religion is a thing to be reasoned into a man; that campmeeting excitements are all wrong, and that the whole thing is embraced in the simple process of repenting, believing and being baptized. Suppose some of that school should conceive the idea that this thing of making people crazy by revival excitement was all wrong, and, securing the Senator from Burleson as a champion, should gravely petition us, showing that it made more lunatics than alcohol, and ask us to submit a constitutional amendment to the people to stop the whole thing, what answer would the preacher have?"

Now, sir, it is well known that no such language was used in the speech as made in the Senate. Such language would have been in exceedingly bad taste, and I should not have permitted it to pass unnoticed. I protest against this way of circulating in the papers of the State an unprovoked and uncalled-for fling at the religious body to which I belong, which the Senator did not dare to make in this chamber. It is to be regretted that the Senator cannot allude to the subject of prohibition without manifesting an indelicate impatience at the attitude of certain ministers on the subject. The Senator says he mentioned no church by name, but he declined to say to what religious people he alluded. He had no right to make such publication concerning any church; he had no right to refer to me in that connection, and I resent it as a gross misrepresentation of, and an unwarranted and ungenerous attack upon a religious body, who, though their numbers and wealth are not such as to challenge the respect of the Senator from Travis, yet maintain a character for practical piety and intelligence which he cannot truthfully assail.

W. K. HOMAN.

Substitute House joint resolution No. 37, "An act pro-

posing an amendment to sections 2, 3, 5, 6 and 8 of article 5, of the Constitution of the State of Texas," was taken up and read second time.

Senator Stewart moved to postpone until to-morrow. Withdrawn.

Senator Wynne moved to postpone till to-morrow. Withdrawn, and resolution passed to third reading.

Senator Houston entered a motion to reconsider the vote just taken, passing the resolution to third reading.

House bill No. 521, entitled "An act to provide for the organization of the State penitentiaries, and for the efficient management of the same," was taken up and read second time.

Senator Duncan moved to consider the bill by sections.

Senator Gooch moved to amend the motion of Senator Duncan—"to consider the bill by departments or divisions of the subject matter." Accepted by Senator Duncan, and adopted.

First division (penitentiary board).

Second division (superintendent's department).

Third division (assistant superintendent's department).

(Senator Tilson in the chair.)

Fourth division (inspector's department).

Fifth division (physician's department).

Sixth division (chaplain's department).

(President in the chair.)

Seventh division (treatment of convicts).

Eighth division (salaries).

Ninth division (visits to penitentiary.)

Tenth division (leases and lessees of penitentiary).

Eleventh division (sundry provisions).

All read, adopted and passed to third reading.

On motion of Senator Swain, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS—26.

Buchanan of Wood,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Lane,	Stewart,
Duncan,	Lightfoot,	Stubbs,
Gooch,	Martin of Cooke,	Swain,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,	Rainey,	

NAYS—none.

NOT VOTING—5.

Buchanan of Grimes,	Burton,	Terrell.
Burges,	Martin of Navarro,	

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan of Grimes,	Homan,	Ross,
Buchanan of Wood,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Cooke,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.
Hightower,	Rainey,	

NAYS—none.

NOT VOTING—5.

Burges,	Martin of Navarro,	Terrell.
Burton,	Moore,	

The following message was received from his Excellency the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE,
AUSTIN, March 11, 1881.

To the Honorable, the Senate and House of Representatives, in the Legislature assembled:

I respectfully suggest the following matters for your consideration: Some time in the first half of next year there must be a special session of the Legislature, called for the purpose of making an apportionment of the congressional districts in this State. If it is not

convenient now to make an apportionment of districts for Senators and Representatives in the Legislature, that can then be done at the same special session. Both of these things must be done, in ample time, before the next general election. The very existence of our government depends upon equal representation, according to population, and if the apportionment is not made at this session, I should feel myself bound in duty to call the Legislature together for that purpose, and to continue to call from time to time, if necessary, until it was done in ample time for the next election. If there is any disposition in any section of the State to prevent a fair apportionment, I have no evidence of it, and if there is such, it will be overwhelmed and defeated by a just public sentiment which no man or set of men will persist in resisting.

I beg leave further to suggest that you now have it in your power still to prevent the necessity of two called sessions, by repealing your resolution to adjourn on the fifteenth of this month and postpone it for ten days or two weeks longer, and give that much of your time to the State, even at the reduced compensation of two dollars per day. I understand that this still can be done by a concurrence of a majority in both houses of the Legislature, by a repeal of it, the same as if it were a law passed at this session. By doing this you will have time to consider and pass upon the constitutional amendments that you may agree upon, which you are not allowed to do at a called session; you can perfect and pass upon all the leading measures, upon which you have spent much time, and have labored diligently, which I fear will otherwise be lost to the State; the regular appropriation bill and the deficiency bill can be passed with due deliberation and care; the discouraging confusion arising from conflict of opinion will be dispelled by patience and perseverance, illustrating that at last there is wisdom in a multitude of counsel; and, I doubt not, that when you shall have closed up your work at the end of that time, you will feel amply compensated for the sacrifice of time, and for your arduous efforts, by the consciousness of having done your full duty, and that you had not abandoned the post assigned you by the people until ample provision was made to carry on the government, and until a fair effort had been made to pass every measure promotive of their general interests. The moral of the thing, and the principle evolved from the example, would be of great benefit to the State, and would inspire confidence in the wisdom and patriotism of the State government, for whose direction the majority of both houses are responsible, being the controlling power of the State.

Representing the people of Texas, as the chief executive, I have felt it to be my duty to make to you this appeal in their behalf, as a whole, without reference to any section, class or particular interests.

Respectfully submitted,
O. M. ROBERTS, Governor.

On motion of Senator Duncan, a special committee of five members were appointed to take into consideration the message of the Governor just read.

The President appointed on said committee Senators Duncan, Lane, Martin of Navarro, Shannon and Buchanan of Wood.

Senate bill No. 89, "An act regulating the burden of proof in suits for land sold and conveyed by the survivor of a community, in whose name the title of record to the land stands at the date of sale and conveyance," was taken up, and, on motion of Senator Gooch, laid on the table subject to call.

Senate bill No. 87, "An act to amend articles 4746, 4747, and 4748 of the Revised Statutes of the State of Texas, adopted at the regular sessions of the Sixteenth Legislature," was taken up, and, on motion of Senator Buchanan of Wood, was laid on the table subject to call.

Senate bill No. 91, "An act to amend article 3602, chapter 10, title 71 of the Revised Civil Statutes of the State of Texas, entitled 'of hiring county convicts,'" was taken up, and, on motion of Senator Henderson, was laid on the table, subject to call.

Senate bill 92, "An act to amend article 2671, chapter 16, title 47 of the Revised Civil Statutes so as to provide for the granting of letters of guardianship without the filing of a new bond, where both the guardian and ward are non-residents," with adverse report, was taken up, and, on motion of Senator Martin of Cooke, adverse report of committee was adopted and bill lost.

Senate bill No. 93, "An act to amend article 1535, title 32, chapter 1 of the Revised Civil Statutes of the State of Texas, entitled 'election and qualification of justices,'" was taken up, and, on motion of Senator Henderson was laid on the table, subject to call.

Senate bill No. 94, "An act to amend article 1151, chapter 2, title 28 of the Revised Statutes of the State of Texas," was taken up and adverse report of committee adopted and bill lost.

Senate bill No. 96, "An act regulating suits and actions for and against persons convicted of felonies," with adverse report of committee, was taken up, and, on motion of Senator Henderson, adverse report was adopted and bill lost.

Senator Henderson moved that the Senate adjourn till 3 o'clock P. M.

Senator Terrell moved to amend the motion by substituting 2:30 P. M. for 3 P. M. Accepted, and motion to adjourn lost.

Senator Terrell moved that the Senate take a recess for half an hour. Adopted, and Senate took a recess till 12:15 P. M.

Senate called to order at the expiration of the recess.

Roll called; no quorum present.

Senator Davenport moved to adjourn till 3 P. M. Withdrawn.

A quorum being announced present, Senator Martin of Navarro, moved to take up Senate bill No. 181, "An act to prescribe the times of holding the district courts in the counties of the Thirteenth Judicial District," and that the Senate concur in House amendments. Adopted.

Senator Tilson, by leave, presented a petition of citizens of Bowie county, asking the restoration of the civil and criminal jurisdiction of the county courts. Referred to Committee on State Affairs.

Senator Homan, by leave, introduced a bill entitled "An act to amend chapter 4, title 9, of the Penal Code, by adding thereto article 341a." Referred to Judiciary Committee No. 2.

Senator Houston presented a memorial from the county clerk and commissioners' court of Bexar county, asking the passage of bills pending, amending the law regulating fees allowed to county clerks. Referred to Judiciary Committee No. 1.

Senator Gooch called up House bill No. 309, "An act to amend sections 1, 2, 3, 4, 6, 7 and 8 of an act entitled 'an act to provide for the sale of alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith,' approved July 8, 1879, and to provide for the sale of such lands in unorganized counties." Bill taken up.

Senator Gooch offered the following amendment: Amend the caption of this act so that it will read, viz:

"An act to amend the caption and sections 1, 2, 3, 4, 5, 6, 7 and 8, of an act entitled 'an act to provide for the sale of alternate sections of lands in organized counties, as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith,' passed in 1879, so as to provide for the sale of school lands in organized and unorganized counties, and to provide for the sale of university and asylum lands throughout the State.

Senator Lane moved a call of the Senate. Call sustained.

Roll called; absent—Senators Homan, Martin of Cooke and Stubbs.

Pending the call the bill went to the table.

Senator Stewart, chairman of special committee to investigate claims designated by the Comptroller as of doubtful validity, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your special committee, appointed early in the session to investigate those claims designated by the Comptroller of Public Accounts in his reports as being of doubtful validity, beg leave to report that they have discharged the duty assigned to them, and should have made report thereon long ago, but for the fact that the necessity of such a report was obviated by the action of the Governor and of the House of Representatives.

His Excellency, the Governor, by a message, sent to the Legislature a short time after the appointment of your committee, gave a full and specific history of the largest one of the claims referred to, and the House of Representatives, through a committee, reported a bill in regard to the claims mentioned by the Governor, and in reference to which he had invoked legislative action.

The claims are as follows: One is the amount that the State is chargeable to the State University fund in the sum of \$134,472.26, covered by five per cent bonds. This claim has been provided for in a bill that has passed the Senate.

The second one of these claims is one where the State is chargeable to the permanent school fund in the sum of \$32,168.82, which has also been provided for in a bill that has passed the Senate.

The third claim is that of \$320,367.13, chargeable to the State on the behalf of the permanent school fund for money belonging to that fund and loaned by the State to certain railroad companies, and claimed by said companies to have been paid in the warrants of the State.

The Governor, in his message before referred to, gave a detailed account of this claim, and a full history of the legislation that had been had in regard thereto. The House committee reported a bill in regard to this claim, empowering the Governor to take action in regard thereto, but which bill has never reached this body as your committee had reason to believe it would do long since. I am instructed by a majority of the committee to report a copy of that bill to the Senate, as a Senate bill, and to recommend its passage. In accordance with the instructions of a majority of the committee, I annex to this report said bill, and respectfully recommend that it do pass, and ask that the committee be discharged.

CHAS. STEWART,
R. M. WYNNE,
W. R. SHANNON,
W. K. HOMAN,

Constituting majority of committee.

Bill read first time.

Senate was announced full, and consideration of House bill No. 309, pending on the call of the Senate, was resumed.

Senator Duncan, by leave, submitted the following report from special committee on the Governor's message, with accompanying concurrent resolution:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your select committee, to whom was referred the message of his Excellency, the Governor, concerning adjournment, having considered the same, instruct me to report the accompanying resolution, recommending its passage.

JOHN M. DUNCAN, Chairman,
LANE,
SHANNON,
MARTIN of NAVARRO,
BUCHANAN of WOOD.

Resolved by the Senate of the State of Texas, the House concurring, That the two houses of the Seventeenth Legislature stand adjourned sine die at 12 o'clock M. on Tuesday the twenty-second day of March A. D. 1881; that the concurrent resolution providing for the adjournment of the two houses on the fifteenth day of March, 1881, be and the same is hereby rescinded; that from this time until the adjournment herein provided for, appropriation bills, bills relating to the penitentiary and revenue, and joint resolutions amending the Constitution, shall have precedence over all other business.

The President, after reading their captions, signed the following bills:

House bill No. 438, "An act to amend article 3971, chapter 11, of the Revised Civil Statutes, providing for the disposal of certain lands, known as the Indian reservations, and to repeal articles 3972, 3973, 3974, 3975 and 3976, of the Revised Statutes upon the same subject."

House bill No. 565, "An act to release certain inhabitants in the town of Savoy, county of Fannin, from the payment of taxes assessed and now due for the year A. D. 1880, in consequence of a great public calamity."

House bill No. 227, "An act to amend articles 3824 and 3825, title 79, of the Revised Civil Statutes of the State of Texas, and to add thereto articles 3825a and 3825b, and to create Clay, Baylor, Wheeler and Oldham county land districts."

House bill No. 223, "An act to amend sections 1 and 6 of 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas and the investment of the proceeds of such sale,' passed at the special session of the Legislature."

House bill No. 412, "An act authorizing and requiring owners of lands between the Nueces and Rio Grande rivers, under grants or titles thereto from the former government, which were recorded in the respective counties before the adoption of the present Constitution, to deposit and archive the same in the General Land Office."

On motion of Senator Duncan, pending business was postponed, and the report of the special committee on the Governor's message and resolution accompanying were taken up.

Senator Stewart offered the following amendment: "Amend resolution by adding 'and bills having for their object the establishment of a State university.'" Adopted.

Senator Martin of Cooke offered the following amendment: "Amend by adding to measures having precedence the following, 'bills relating to the investment or safe-keeping of school funds.'" "

Senator Gooch moved to reconsider the vote adopting Senator Stewart's amendment. Carried, and vote reconsidered. The amendment was voted on and lost.

Senator Martin of Cooke withdrew his amendment.

Senator Duncan moved to "amend by striking out all giving precedence to any business."

Senator Homan moved the previous question on the amendment. Motion seconded and main question ordered.

Senator Duncan's amendment was lost by the following vote:

YEAS—13.

Buchanan of Wood,	Homan,	Shannon,
Burton,	Lair,	Terrell,
Cooper,	Martin of Navarro,	Tilson,
Duncan,	Powers,	Wynne.
Harris,		

NAYS—17.

Buchanan of Grimes,	Lape,	Ross,
Davenport,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Stubbs,
Henderson,	Moore,	Swain,
Hightower,	Patton,	Weathered.
Houston,	Rainey,	

Senator Houston offered the following substitute for that portion of the resolution down to and including line 15:

Resolved by the Senate, the House concurring, That the concurrent resolution, passed at the present session of the Legislature, fixing the day of final adjournment on the fifteenth day of March, 1881, be so amended as to hereafter read as follows, viz:

The Senate and House of Representatives of the Seventeenth Legislature shall be and the same are hereby adjourned without a day on the twenty-second day of March, A. D. 1881, at 12 o'clock meridian.

Senator Rainey moved to postpone the resolution until to-morrow. Lost by the following vote:

YEAS—7.

Buchanan of Grimes,	Davenport,	Rainey,
Burton,	Houston,	Stubbs,
Cooper,		

NAYS—23.

Buchanan of Wood,	Lane,	Shannon,
Duncan,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Powers,	Wynne.
Lair,	Ross,	

NOT VOTING.

Burgess.

Senator Homan offered the following as a substitute for the substitute amendment of Senator Houston: Add to resolution: "At the morning sessions of the two houses, and other sessions, shall be devoted to the regular order of business."

Senator Duncan raised the point of order that the order of business could not be arranged by concurrent resolution, as each house had the right to regulate its own order of business. Sustained.

Senator Homan then withdrew his amendment.

Senator Duncan moved the previous question on the substitute and original resolution. Motion seconded and main question ordered.

The substitute of Senator Houston was then adopted as a substitute for the original resolution.

The resolution, as substituted, was then adopted by the following vote:

YEAS—23.

Buchanan of Wood,	Homan,	Powers,
Burton,	Lair,	Shannon,
Cooper,	Lane,	Stewart,
Duncan,	Lightfoot,	Stubbs,
Gooch,	Martin of Cooke,	Terrell,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Moore,	Wynne.
Hightower,	Patton,	

NAYS—7.

Buchanan of Grimes	Rainey,	Swain,
Davenport,	Ross,	Tilson.
Houston,		

On motion of Senator Buchanan of Wood, Senator Tilson was indefinitely excused, on account of sickness in his family. -

On motion of Senator Buchanan of Wood, the Senate adjourned until 3:30 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment; the President pro tem in the chair.

Roll called; quorum present.

Senator Burton, being next on the roll, called up Senate bill No. 246, "An act to provide for the pay of jury commissioners." Bill taken up, read second time and ordered engrossed.

On motion of Senator Burton, rules were suspended to put bill on its third reading by the following vote:

YEAS—20.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Burgess,	Lair,	Shannon,
Burton,	Lane,	Stewart,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Martin of Navarro,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,	Powers,	

NAYS—none.

NOT VOTING—2.

Cooper,	Stubbs.
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Bill read third time and passed.

Senator Hightower, being next on the roll, called up Senate bill No. 130, "An act authorizing district courts to transfer cases of administration of estates of deceased persons, and guardianship of minors, persons of unsound mind and habitual drunkards, pending before them to the county courts." Bill taken up and read second time.

Senator Hightower offered the following amendment: Amend bill by adding the following:

Section 4. The near approach of the close of the present session of the Legislature, and the public importance and necessity for the passage of this bill into a law at this session, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended; and, whereas, there are pending in many district courts, in the various counties of this State, cases of administration upon estates of decedents and wards, in which the county judges of such counties are legally qualified to sit; and, whereas, the interests of all persons concerned or interested in such cases of administration require that they shall be transferred to said county courts for administration as soon as it is possible to be done; and, whereas, there is no law authorizing such transfers to be made, therefore the above facts create an emergency that this bill should go into effect as a law from and after its passage and it is so enacted.

Adopted, and bill ordered engrossed.

On motion of Senator Hightower, rules were suspended to put bill on its third reading by the following vote:

YEAS—25.

Buchanan of Wood,	Houston,	Rainey,
Burgess,	Lair,	Ross,
Burton,	Lane,	Stewart,
Davenport,	Lightfoot,	Swain,
Gooch,	Martin of Cooke,	Terrell,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Moore,	Wynne.
Hightower,	Patton,	
Homan,	Powers,	

NOT VOTING—5.

Buchanan of Grimes,	Duncan,	Stubbs.
Cooper,	Shannon,	

Bill read third time and passed by the following vote:

YEAS—27.

Buchanan of Wood,	Homan,	Rainey,
Burgess,	Houston,	Ross,
Burton,	Lair,	Shannon,
Cooper,	Lane,	Stewart,
Davenport,	Lightfoot,	Swain,
Gooch,	Martin of Cooke,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes	Martin of Navarro,	Stubbs.
Duncan,		

Senator Terrell, chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 245, instruct me to report recommending its passage.

TERRELL, Chairman.

Bill read first time.

On motion of Senator Homan, the bill just reported was called up, and the rules suspended to put the bill on its second reading, by the following vote:

YEAS—27.

Buchanan of Wood,	Lair,	Ross,
Burgess,	Lane,	Shannon,
Burton,	Lightfoot,	Stewart,
Davenport,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Powers,	Wynne.
Houston,	Rainey,	Mr. President.

NAYS—none.
NOT VOTING—4.

Buchanan of Grimes, Duncan, Stubbs.
Cooper,

Bill read second time and ordered engrossed.

On motion of Senator Homan, the rules were suspended to put the bill on its third reading, by the following vote:

YEAS—23.

Buchanan of Grimes	Lair,	Ross,
Buchanan of Wood,	Lane,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Swain,
Davenport,	Martin of Navarro,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne,
Homan,	Rainey,	Mr. President,
Houston,		

NAYS—none.
NOT VOTING—3.

Cooper, Duncan, Stubbs.

Bill read third time and passed.

(The President in the chair.)

Senator Houston, being next on the roll, called up substitute Senate bill No. 203, "An act to amend articles 2393, 2394 and 2395, chapter 3, title 13 of the Revised Civil Statutes of the State of Texas, concerning fees of office, and to repeal article 2430 thereof." Bill taken up and read second time, with committee substitute. Substitute adopted, and bill ordered engrossed.

Senator Houston moved to suspend rules, to put bill on its third reading. Adopted by the following vote:

YEAS—23.

Buchanan of Grimes	Homan,	Rainey,
Burges,	Houston,	Ross,
Burton,	Lair,	Shannon,
Cooper,	Lane,	Stewart,
Davenport,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne,
Hightower,	Powers,	

NAYS—none.

NOT VOTING—6.

Buchanan of Wood, Lightfoot, Stubbs.
Duncan,

Bill read third time and passed.

Senator Lair, being next on the roll, called up Senate bill No. 188, "An act to create a board of health of the State of Texas, to define the powers and duties thereof, and to make the secretary thereof ex-officio State health and quarantine officer." Bill taken up and read second time.

On motion of Senator Lair, the bill was laid on the table, subject to call.

Senator Rainey, chairman of Committee on Counties and County Boundaries, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 211, entitled "An act to detach 5334 acres from Hill county and attach the same to Johnson county, and define the line between said counties," have considered the same; and instruct me to report the same back to the Senate, with the recommendation that it do pass.

RAINEY, Chairman.

Bill read first time.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and

compared Senate bill No. 146, "An act to create the county of 'John Upton,' and to define the boundaries thereof," and find the same correctly enrolled and properly signed, and at 4:30 o'clock P. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 152, "An act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879," and find the same correctly enrolled and properly signed, and at 4:30 o'clock P. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman

Senator Cooper entered a motion to reconsider the vote postponing indefinitely Senate bill No. 18, "An act with regard to juries in felony cases."

Senator Lane being next on the roll, called up Senate bill No. 260, "An act prescribing the time of holding the District Courts of the Twenty-third Judicial District." Bill taken up.

Senator Lane moved to suspend the rules and read bill second time. Adopted by the following vote:

YEAS—24.

Buchanan of Grimes,	Homan,	Powers,
Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Ross,
Burton,	Lane,	Shannon,
Gooch,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Swain,
Henderson,	Moore,	Terrell,
Hightower,	Patton,	Wynne.

NAYS—none.

NOT VOTING—6.

Cooper, Duncan, Stubbs,
Davenport, Lightfoot, Weatherred.

Bill read second time and ordered engrossed.

On motion of Senator Lane, rules were further suspended to put bill on third reading, by the following vote:

YEAS—23.

Buchanan of Grimes,	Lair,	Rainey,
Burton,	Lane,	Ross,
Gooch,	Lightfoot,	Shannon,
Harris,	Martin of Cooke,	Stewart,
Henderson,	Martin of Navarro,	Swain,
Hightower,	Moore,	Terrell,
Homan,	Patton,	Wynne.
Houston,	Powers,	

NAYS—none.

NOT VOTING—7.

Buchanan of Wood, Davenport, Stubbs,
Burges, Duncan, Weatherred,
Cooper,

Bill read third time and passed.

The President, after reading its caption, signed Senate bill No. 152, "An act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879."

Also, Senate bill No. 146, "An act to create the county of John Upton, and to define the boundaries thereof."

Senator Lightfoot, being next on the roll, called up Senate bill No. 138, "An act for the relief of Thomas B. Hearne." Bill taken up and read second time.

Senator Lightfoot offered the following amendment: Amend by adding the following:

Sec. 2. The near approach of the close of the session, and the fact that the said Thomas B. Hearne is an old and indigent veteran, who is in daily need of the land to which he is entitled, and is suffering for the want of the same; the fact that the State should do justice to all of her citizens, creates an emergency and imperative public necessity that the constitutional rule requiring that this bill shall be read on three several days be suspended, and that this act take effect from its passage; and it is so enacted.

Adopted, and bill ordered engrossed.

On motion of Senator Lightfoot, the rules were suspended to put the bill on its third reading, by the following vote:

YEAS—27.

Buchanan of Grimes,	Homan,	Powers,
Burges,	Houston,	Rainey,
Burton,	Lair,	Ross,
Cooper,	Lane,	Shannon,
Davenport,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Swain,
Harria,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weatherred,
Hightower,	Patton,	Wynne.

NAYS—none.

NOT VOTING—3.

Buchanan of Wood, Duncan, Stubbs.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan of Grimes	Homan,	Powers,
Burges,	Houston,	Rainey,
Burton,	Lair,	Ross,
Davenport,	Lane,	Shannon,
Duncan,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weatherred.
Hightower,	Patton.	

NAYS—none.

NOT VOTING—4.

Buchanan of Wood, Stubbs, Wynne.
Cooper,

Senator Patton, chairman of the Committee on State Affairs, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have examined House joint resolution No. 48, entitled a "Joint resolution granting the Hon. G. B. Gerald, judge of county court of McLennan county sixty days leave of absence from the State," and they direct me to return the same to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have examined Senate bill No. 258, entitled "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States, a land certificate for 1280 acres of land," and a majority of said committee direct me to return the same to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Bill read first time.

Senator Martin of Cooke, being next on the roll, called up Senate bill No. 238, "An act to amend title 25 of the Revised Civil Statutes, by adding another article, to be styled article 989a, providing that the county treasurer shall be the custodian of moneys arising from the sale of county school lands, and give bond for the safe keeping of the same." Bill taken up, read second time and ordered engrossed.

On motion of Senator Martin of Cooke, rules were suspended to place the bill on its third reading by the following vote:

YEAS—25.

Buchanan of Grimes,	Houston,	Rainey,
Burges,	Lair,	Ross,
Cooper,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Duncan,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

NAYS—none.

NOT VOTING—5.

Buchanan of Wood, Henderson, Stubbs.
Burton, Lane,

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Davenport,	Lair,	Shannon,
Duncan,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Swain,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING—6.

Burges, Cooper, Lightfoot,
Burton, Lane, Stubbs.

Senator Martin of Navarro, being next on the roll, called up Senate bill No. 228, "An act to amend the stock law." Bill taken up and read second time.

Senator Martin of Navarro, offered the following amendment: Add the following section:

Sec. 2. The near approach of the close of this session creates an imperative public necessity, justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended.

Adopted, and bill ordered engrossed.

On motion of Senator Martin of Navarro, rules were suspended to put the bill on its third reading, by the following vote:

YEAS—25.

Buchanan of Grimes,	Lair,	Rainey,
Buchanan of Wood,	Lane,	Ross,
Burges,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Swain,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
Homan,		

NOT VOTING—5.

Burton, Duncan, Stubbs.
Cooper, Houston,

Bill read third time and passed.

Senator Patton, being next on the roll, called up Senate bill No. 161, "An act to amend article 756, chapter 12 of the Penal Code of the State of Texas, prescribing regulations for butchers in cities, towns or villages thereof, and a penalty for the violation thereof."

Bill taken up and read second time, and committee amendment adopted.

Senator Stewart offered the following amendment:

Provided, That this act shall not apply to towns or cities having more than ten thousand inhabitants.

Senator Ross offered the following substitute to Senator Stewart's amendment: Amend by exempting the counties of McLennan, Hill, Johnson, Harris, Grayson, Cooke, Anderson, Cherokee, Henderson, Collin, Denton, Montgomery, Travis, Burnet, Lampasas, Williamson, Rusk, Pannola, Shelby, Lamar, Fannin, Delta, Bexar, Comal, Bandera, Kerr, Kendall, Gillespie, Wilson, Menard, Tom Green, Pecos, Presidio, El Paso, Concho, Kimble, Edwards, Crockett, Bosque, Somervell, Hood, Palo Pinto, Stephens, Shackelford, Mitchell, Nolan, Taylor, Calhoun, Eastland, Erath, Coryell, Hamilton, Comanche, Brown, Coleman, Runnels, Bastrop, Lee, Fayette, Grimes, Medina, Walker, Trinity, Montague, Wise, Tarrant, Parker, Jack, Clay, Young, Throckmorton, Haskell, Stonewall, Kemp, Garza, Linn, Terry, Yoakum, Archer, Baylor, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Wichita, Wilbarger, Hardeman, Cottle, Motley, Floyd, Hale, Lamb, Brinly, the

Pan Handle, Sabine, San Augustine, Angelina, Nacogdoches, Houston, Fort Bend, Waller, Wharton, Smith, Camp, Upshur, Gregg, Navarro, Freestone, Limestone, Wood, Rains, Van Zandt, Kaufman, Rockwall, Hunt, Red River, Hopkins, Titus, Franklin, Galveston, Brazoria, Montague. Adopted.

Senator Stewart withdrew his amendment, and Senator Ross' substitute was adopted.

Senator Burges offered the following amendment: Amend by striking out the words, in lines 12, 13 and 14, on page 2, "or who shall slaughter, or assist in slaughtering, any animals after night." Adopted.

Senator Cooper offered the following amendment to the pending bill: Exempt Tyler, Jasper, Newton, Polk, San Jacinto, Jefferson, Liberty, Chambers, Hardin and Orange.

Senator Homan moved the previous question on the pending amendment and bill. Motion seconded and main question ordered.

The amendment of Senator Cooper was adopted and bill ordered engrossed.

Senator Patton moved the further suspension of the rules to put the bill on its third reading. Adopted by the following vote:

YEAS—25.

Buchanan of Grimes	Houston,	Patton,
Buchanan of Wood,	Lair,	Rainey,
Burges,	Lane,	Ross,
Burton,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Swain,
Henderson,	Moore,	Terrell,
Hightower,	Powers,	Weatherred.
Homan,		

NAYS—None.

NOT VOTING—5.

Davenport,	Gooch,	Wynne.
Duncan,	Stubbs,	

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Houston,	Rainey,
Buchanan of Wood,	Lair,	Ross,
Burges,	Lane,	Shannon,
Cooper,	Lightfoot,	Stewart,
Harris,	Martin of Navarro,	Swain,
Henderson,	Moore,	Terrell,
Hightower,	Patton,	Weatherred,
Homan,	Powers,	Wynne.

NAYS—None.

NOT VOTING—6.

Burton,	Duncan,	Martin of Cooke,
Davenport,	Gooch,	Stubbs.

Senator Terrell, by leave, introduced a bill entitled "An act to appropriate \$20,000 to enable the Governor and heads of departments to procure the aid of a first-class architect to aid in selecting a suitable plan for the new State capital, and to enable them to perform any and everything necessary to be done in and about the construction of said capitol." Referred to Committee on Finance.

Senator Houston, by leave, introduced a joint resolution proposing to amend sections 3 and 4, of article 3, of the Constitution of the State—to make the term of office of State Senators six years and Representatives four years. Referred to the Committee on Constitutional Amendments.

Senator Stewart, chairman of Judiciary Committee No. 2, by leave submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 beg leave to report that they have considered House bill 267, entitled, "An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas," and I am instructed by a majority of the commit-

tee to report the bill back to the Senate and to recommend its passage.
STEWART, Chairman.

Bill read first time.

Senator Terrell, chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 264, and the recommendation of the Governor, made March 10, have considered the same, and instruct me to report the same back and recommend that it do pass.

Its object is to place at the disposal of the Governor and heads of departments twenty thousand dollars to enable them to do any and every thing necessary, and which cannot be anticipated by legislation, to protect the interest of the State in and about the selection of proper plans and the construction of a new State house.

An appropriation was passed by the Senate of like amount, which included the salaries of all superintendents, building commissioners, etc., but it has just come to the knowledge of the Governor that the means at his disposal is not sufficient to obtain the scientific assistance so much needed in selecting plans, and your committee believe that as no specific sum is mentioned for any particular thing they may find necessary, the magnitude of the undertaking will justify setting aside a sum in gross, which the Governor and heads of departments may be trusted to carefully expend as emergencies may arise.
TERRELL, Chairman.

Bill read first time.

Senator Lair moved to suspend the rules and place the bill on its second reading. Carried by the following vote:

YEAS—21.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Martin of Navarro,	Stewart,
Harris,	Moore,	Swain,
Henderson,	Patton,	Terrell,
Hightower,	Powers,	Weatherred.

NAYS—none.

NOT VOTING—9.

Burges,	Gooch,	Martin of Cooke,
Burton,	Lane,	Stubbs,
Duncan,	Lightfoot,	Wynne.

Bill read second time and ordered engrossed.

On motion of Senator Lair, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—21.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Cooper,	Lair,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Harris,	Martin of Navarro,	Swain,
Henderson,	Moore,	Terrell,
Hightower,	Powers,	Weatherred,

NOT VOTING—9.

Burges,	Gooch,	Patton,
Burton,	Lane,	Stubbs,
Duncan,	Lightfoot,	Wynne.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Hightower,	Rainey,
Buchanan of Wood,	Homan,	Ross,
Burges,	Houston,	Shannon,
Cooper,	Lane,	Stewart,
Davenport,	Martin of Cooke,	Swain,
Duncan,	Moore,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Powers,	Weatherred.

NAYS—1.

Martin of Navarro.

NOT VOTING—5.

Burton,	Lair,	Stubbs.
Gooch,	Lightfoot,	

On motion of Senator Davenport, the Senate adjourned until 9:30 A. M. to-morrow.